

JPA No.: 04-132  
AG Contract No.: KR05-0089TRN  
**Amendment No. 1**  
Project No.: TEA-NAU-0(200)A  
Project: NAU San Francisco Sidewalks  
Section: Franklin Ave-Mtn View Drive /  
Sinclair Wash to Knoll Drive  
**TRACS No.: SL547 01C / SL601 01C**  
Budget Source Item No.: Local

**AMENDMENT NO. 1  
TO  
INTERGOVERNMENTAL AGREEMENT**

**BETWEEN  
THE STATE OF ARIZONA  
AND  
NORTHERN ARIZONA UNIVERSITY**

**THIS AGREEMENT** is entered into this date August 28, 2006, **Amendment No. 1** to JPA No. 04-132, A.G. Contract No.: KR05-0089TRN, filed with the Secretary of State under No. 27401, pursuant to the Arizona Revised Statutes § 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the BOARD OF REGENTS, acting for and on behalf of NORTHERN ARIZONA UNIVERSITY, (the "University"). The State and the University are collectively referred to as "Parties".

**I. RECITALS**

1. The State is empowered by Arizona Revised Statutes § 28-401 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.

2. The University is empowered by Arizona Revised Statutes § 15-1626 to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the University.

**THE PURPOSE OF THIS AMEDEMMENT** is to **a)** extend the Project location, and increase the Project funding for the new location; **b)** delete SL54701D from the funding breakout and **c)** to update standard wording.

**Article I, Paragraph 6 is revised in full as follows:**

6. The State and the University desire to participate in the construction and maintenance of an 8' – 10' sidewalk along San Francisco Street from Franklin Avenue to Mountain View Drive, at an estimated amount of \$474,692.00 (**SL547 01C**) **and from Sinclair Wash to Pine Knoll Drive, at an estimated amount of \$389,864.00 (SL601 01C), for a total estimated amount of \$864,556.00** hereinafter referred to as the "Project". In addition to the sidewalk, benches, bike racks and trash receptacles will be added to the Project. The parties agree the University will design, construct and maintain the Project.

**THEREFORE**, in consideration of the mutual Agreements expressed herein, this Agreement is amended as follows:

NO. 27401  
Filed with the Secretary of State  
Date Filed: 8/28/06  
James K. Chaves  
Secretary of State  
By: [Signature]

**Construction TRACS No.: SL547 01C**

Estimated Federal Aid Funds @ 94.3%

\$447,635.00

Estimated University Funds @ 5.7%

\$ 27,057.00

**Total Estimated Cost of the Project for SL547 01C****\$474,692.00****Construction TRACS No.: SL601 01C**

Estimated Federal Aid Funds @ 94.3%

\$367,642.00

Estimated University Funds @ 5.7%

\$ 22,222.00

**Total Estimated Cost of the Project for SL601 01C****\$389,864.00****II. SCOPE OF WORK****Article II, Paragraph 2., d., is revised in full as follows:**

2. The University shall:

d. Upon execution of this Agreement, **and during the construction phase**, invoice the State for the estimated 94.3% Federal Aid construction and construction administration costs addressed under this Agreement. The University is entirely responsible for all costs incurred in performing and accomplishing the work as set forth in this Agreement whether covered by Federal funding or not. **The State will reimburse the University up to the Federal Aid amounts specified above. Any cost overruns are the responsibility of the University.**

**III. MISCELLANEOUS PROVISIONS****Article III, Paragraph 10 is revised in full as follows:**

10. All notices or demands upon any party to this Agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation  
Joint Project Administration  
205 S. 17<sup>th</sup> Avenue – Mail Drop 616E  
Phoenix, Arizona 85007  
(602) 712-7525

Northern Arizona University  
Attn: Allison Liddell  
P.O. Box 6016  
Flagstaff, Arizona 86011-6016  
(928) 523-2481

**EXCEPT AS AMENDED** herein, **ALL OTHER** terms and conditions of the original Agreement remain in full force and effect.

**IN WITNESS WHEREOF**, the parties have executed this Amended Agreement the day and year first above written.

**NORTHERN ARIZONA UNIVERSITY****STATE OF ARIZONA**

Department of Transportation

By Wilma G. Ennenga 8/18/06  
WILMA G. ENNENGA, Director  
Grant and Contract Services

By Cynthia Mills  
CYNTHIA MILLS  
Joint Project Administrator

**JPA 04-132**  
**Amendment No. One**

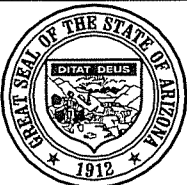
**APPROVAL OF NORTHERN ARIZONA UNIVERSITY**

I have reviewed the above referenced Intergovernmental Agreement between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and the University an Agreement among public agencies which, has been reviewed pursuant to A.R.S. § 11-951 through § 11-954 and declare this Agreement to be in proper form and within the powers and authority granted to the University under the laws of the State of Arizona.

No opinion is expressed as to the authority of the State to enter into this Agreement.

DATED this 17<sup>th</sup> day of August, 2006.

  
University Attorney

<p><b>TERRY GODDARD</b> Attorney General</p>	 <p><b>OFFICE OF THE ATTORNEY GENERAL</b> STATE OF ARIZONA</p>	<p><b>CIVIL DIVISION</b> <b>TRANSPORTATION SECTION</b> Writer's Direct Line: 602.542.8855 Facsimile: 602.542.3646 E-mail: Susan Davis@azag.gov</p>
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**INTERGOVERNMENTAL AGREEMENT**  
**DETERMINATION**

A.G. Contract No. KR05-0089TRN (JPA 04-132, Amendment No. 1), an Agreement between public agencies, i.e., The State of Arizona and Northern Arizona University, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED: August 22, 2006

TERRY GODDARD  
Attorney General

  
SUSAN E. DAVIS  
Assistant Attorney General  
Transportation Section

SED:mjf:975638  
Attachment